1 Maria K. Nelson (State Bar No. 155608)
   JONES, DAY, REAVIS & POGUE
2 555 West Fifth Street
   Suite 4600
3 Los Angeles, California 90013-1025
   Telephone: (213) 489-3939
4 Facsimile: (213) 243-2539

5 Blaney Harper (*Pro Hac Vice*)
   JONES, DAY, REAVIS & POGUE
6 51 Louisiana Avenue, N.W.
   Washington, DC 20001-2113
7 Telephone: (202) 879-3939
   Facsimile: (202) 626-1700

8
   Attorneys for Plaintiff
9 NETWORK CACHING TECHNOLOGY, L.L.C.

10
                    UNITED STATES DISTRICT COURT

11
                    NORTHERN DISTRICT OF CALIFORNIA

12

13

14   SAN FRANCISCO DIVISION

15

16 **NETWORK CACHING**   **Case No. CV-01-2079 (VRW)**
    TECHNOLOGY, L.L.C.,
17   **DECLARATION OF LAURA T. GEYER IN**
                                             SUPPORT OF PLAINTIFF NETWORK
              Plaintiff,   **CACHING TECHNOLOGY, L.L.C.'S**
18   **MEMORANDUM IN OPPOSITION TO**
          v.   **DEFENDANTS NOVELL, INC. AND**
19   **VOLERA, INC.'S MOTION TO STRIKE**
    NOVELL, INC., VOLERA, INC.,   **PLAINTIFF'S SECOND REVISED**
20 **AKAMAI TECHNOLOGIES, INC.,**   **PRELIMINARY INFRINGEMENT**
    CACHEFLOW INC., AND INKTOMI   **CONTENTIONS**
21 **CORPORATION,**

22   **Defendants.**   Date: June 27, 2002
                                             Time: 2:00 pm
23   Judge: Honorable Vaughn R. Walker
                                             Place: Courtroom 6, 17th Floor
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1   I, Laura T. Geyer, declare as follows:

2   1.   I am an attorney with the law firm of Jones, Day, Reavis & Pogue, counsel for

3   plaintiff Network Caching Technology, L.L.C. ("NCT"). I have personal knowledge of the facts

4   set forth in this declaration and could and would competently testify thereto under oath if called

5   as a witness.

6   2.   Attached hereto as **Exhibit A** is a true and correct copy of two letters from Blaney

7   Harper to Monte M.F. Cooper dated April 9, 2002.

8   3.   Attached hereto as **Exhibit B** is a chart summarizing the patents, claims, and

9   Accused Products named in NCT's Second Revised Preliminary Infringement Contentions.

10   4.   Attached hereto as **Exhibit C** is a true and correct copy of portions of NCT's

11   Second Revised Preliminary Infringement Contentions Appendix A-1 ("Accused Novell Product:

12   BorderManager") that was served by NCT on April 15, 2002.

13   5.   Attached hereto as **Exhibit D** is a true and correct copy of documents bates

14   numbered NCT 10657-10669, which are excerpts from the infringement analysis provided to

15   Novell in April 2000 (bates numbered NCT 10600-10970).

16   6.   Attached hereto as **Exhibit E** is a true and correct copy of documents bates

17   numbered NCT 10657 and NCT 10670-10671, which are excerpts from the infringement analysis

18   provided to Novell in April 2000 (bates numbered NCT 10600-10970).

19   7.   Attached hereto as **Exhibit F** is a true and correct copy of documents bates

20   numbered NCT 10657 and NCT 10672-10673, which are excerpts from the infringement analysis

21   provided to Novell in April 2000 (bates numbered NCT 10600-10970).

22   8.   Attached hereto as **Exhibit G** is a true and correct copy of documents bates

23   numbered NCT 10657 and NCT 10674-10678, which are excerpts from the infringement analysis

24   provided to Novell in April 2000 (bates numbered NCT 10600-10970).

25   9.   Attached hereto as **Exhibit H** is a true and correct copy of documents bates

26   numbered NCT 10657 and NCT 10679-10683, which are excerpts from the infringement analysis

27   provided to Novell in April 2000 (bates numbered NCT 10600-10970).

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1   10.   Attached hereto as **Exhibit I** is a true and correct copy of documents bates

2 numbered NCT 10657 and NCT 10684-10686, which are excerpts from the infringement analysis

3 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

4   11.   Attached hereto as **Exhibit J** is a true and correct copy of documents bates

5 numbered NCT 10657 and NCT 10687-10695, which are excerpts from the infringement analysis

6 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

7   12.   Attached hereto as **Exhibit K** is a true and correct copy of documents bates

8 numbered NCT 10657 and NCT 10696-10699, which are excerpts from the infringement analysis

9 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

10   13.   Attached hereto as **Exhibit L** is a true and correct copy of documents bates

11 numbered NCT 10702-10712, which are excerpts from the infringement analysis provided to

12 Novell in April 2000 (bates numbered NCT 10600-10970).

13   14.   Attached hereto as **Exhibit M** is a true and correct copy of documents bates

14 numbered NCT 10702 and NCT 10713-10714, which are excerpts from the infringement analysis

15 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

16   15.   Attached hereto as **Exhibit N** is a true and correct copy of documents bates

17 numbered NCT 10702 and NCT 10715, which are excerpts from the infringement analysis

18 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

19   16.   Attached hereto as **Exhibit O** is a true and correct copy of documents bates

20 numbered NCT 10702 and NCT 10716-10717, which are excerpts from the infringement analysis

21 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

22   17.   Attached hereto as **Exhibit P** is a true and correct copy of documents bates

23 numbered NCT 10702 and NCT 10718-10722, which are excerpts from the infringement analysis

24 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

25   18.   Attached hereto as **Exhibit Q** is a true and correct copy of documents bates

26 numbered NCT 10702 and NCT 10723-10727, which are excerpts from the infringement analysis

27 provided to Novell in April 2000 (bates numbered NCT 10600-10970).

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19.   Attached hereto as **Exhibit R** is a true and correct copy of documents bates numbered NCT 10702 and NCT 10728-10735, which are excerpts from the infringement analysis provided to Novell in April 2000 (bates numbered NCT 10600-10970).

20.   Attached hereto as **Exhibit S** is a true and correct copy of documents bates numbered NCT 10702 and NCT 10736-10738, which are excerpts from the infringement analysis provided to Novell in April 2000 (bates numbered NCT 10600-10970).

21.   Attached hereto as **Exhibit T** is a true and correct copy of a document bates numbered NOVL 13267-13280 that was cited by NCT in Appendix A-1 of its Second Revised Preliminary Infringement Contentions.

22.   Attached hereto as **Exhibit U** is a true and correct copy of the District Court opinion in *View Engineering, Inc. v. Robotic Vision Systems, Inc.*, granting sanctions on six of the eight patents at issue, (No. CV-95-1882 (C.D. Cal. June 24, 1996)), which was affirmed by the Court of Appeals for the Federal Circuit in *View Engineering, Inc. v. Robotic Vision Systems, Inc.*, 208 F.3d 981 (Fed. Cir. 2000).

23.   Attached hereto as **Exhibit V** is a true and correct copy of the Declaration of Roger S. Thompson, cited by the Court of Appeals for the Federal Circuit in the case of *View Engineering, Inc. v. Robotic Vision Systems, Inc.*, 208 F.3d 981 (Fed. Cir. 2000).

24.   Attached hereto as **Exhibit W** is a true and correct copy of a declaration by John C. Mitchell, Professor of Computer Science at Stanford University, prepared June 5, 2002.

25.   Attached hereto as **Exhibit X** is a true and correct copy of the transcript from the March 15, 2002 hearing before Judge Walker.

Executed this 6th day of June, 2002, in Washington, District of Columbia.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Laura T. Geyer

Laura T. Geyer

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